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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

NEW ZEALAND

(NIUE)

[25 August 1992]

Report Submitted by the Government of Niue

Introduction

1. New Zealand's ratification of the International Covenant on Economic, Social and Cultural Rights on 28 December 1978 had the effect of extending the Covenant to the self-governing State of Niue. The Government of Niue has, in accordance with the constitutional position described in Part 1 of this Report and on the basis of its responsibility in Niue for measures adopted and progress made in achieving the observance of the rights recognized by the Covenant, prepared the following Report required in terms of Articles 16 and 17 of the Covenant in respect of Niue.

2. Niue is a large uplifted coral island with an area of about 260 square kilometres, situated about 480 kilometres east of Tonga and 560 kilometres south-east of Samoa. A coral reef surrounds the island, which has a rugged coastline with no natural harbours, making access difficult. Niue is on the edge of the hurricane belt and experiences severe and destructive hurricanes from time to time.

3. Niue's unique culture and language are related to, but distinct from, those found elsewhere in Polynesia. Its population in 1990 stood at 2,434, having fallen from nearly 5,000 in 1971. Many Niueans migrated to New Zealand both before and after the attainment of self-government in 1974.

4. The Report which follows endeavours to describe the extent to which progress has been made in implementing the rights and ideals embodied in the Covenant. It states the position up to June 1992. Although regard has been had to the "Revised General Guidelines" of 17 June 1991 (E/C.12/1991/1) in the preparation of this Report, it will be appreciated that the very small scale of Niue society and administration means that many features contemplated in the guidelines are absent from Niue. One recent development of great assistance has been the publication in 1990, for the first time, of a four volume set of consolidated Laws of Niue which includes statutes in force as well as subsidiary legislation. Reference will also be made in this Report to the Niue Concerted Action Plan (NCAP) which, following recommendations made by the New Zealand/Niue Review Group in 1986, sought to plan Niue's development for the period 1988-1991. Further description of the legal system of Niue may be found in the Report in respect of the International Covenant on Civil and Political Rights in 1983 (CCFR/C/10/Add.10 of 10 October 1983).

Part I (Article 1)

5. Niue is a self-governing State in free association with New Zealand. The people of Niue freely chose that status in preference to that of full independence or of political integration with New Zealand. The General Assembly of the United Nations recognized Niue's act of self-determination, in Resolution 3285 (XXIX) on 13 December 1974. Earlier that year, the New Zealand Associate Minister of Foreign Affairs, the Hon Joe Walding, informed the General Assembly that:

> "On 19 October New Zealand and Niue will end their relationship of administering Power and Non-Self-Governing Territory: we will enter a new period of partnership on a basis of equality. As a self-governing State, Niue will take its place as a full member of the South Pacific Forum along with other independent and self-governing States in the Pacific, including Papua New Guinea. Niue's new Constitution contains my Government's assurance that New Zealand's economic assistance to Niue will continue as before."
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> (Official Record of the General Assembly, Twenty Ninth Session, Plenary Meetings, Vol. 1, p.76 [2239th Meeting, 23 September 1974])

6. The Constitution of Niue established an elected Assembly of 14 members representing the villages of Niue, and six members elected by the whole electorate. This 20-member Assembly has full law-making powers in all matters. A Cabinet of four Ministers, comprising the Premier (elected by the Assembly) and three other Ministers appointed by the Premier, has executive responsibility. The New Zealand Parliament has no power to make law in respect of Niue on any matter, except with the express request and

consent of the Niue Government. The Constitution itself is able to be amended only by the Niue Assembly by a special procedure and subject to confirmation by the people in a referendum. Following a careful review of the operation of the Constitution in its first 18 years, the first amendment was effected in 1992 pursuant to that procedure, and was approved by a substantial majority of the people in a referendum held on 13 June 1992.

7. The Statute which brought the Constitution of Niue into force sets out the elements of the association between Niue and New Zealand. It provided that:

- Section 5: "Nothing in this Act or in the Constitution shall affect the status of any person as a ... New Zealand citizen ..."

- Section 6: "Nothing in this Act or in the Constitution shall affect the responsibilities of Her Majesty the Queen in right of New Zealand for the external affairs and defence of Niue."

- Section 7: "It shall be a continuing responsibility of the Government of New Zealand to provide necessary economic and administrative assistance to Niue."

  Section 8: "Effect shall be given to the provisions of sections 6 and 7 of this Act ... after consultation between the Prime Minister of New Zealand and the Premier of Niue, and in accordance with the policies of their respective Governments ..."

8. In relation to section 6 of the Act just quoted, it is important to stress that the responsibilities of New Zealand for the external affairs and defence of Niue do not confer on the New Zealand Government any rights of control. Full legislative and executive powers, whether in these fields or in others, are vested in the legislature and Government of Niue. Where the New Zealand Government exercises its responsibilities in respect of external affairs and defence, it does so in effect on the delegated authority of the Niue Government.

9. Niue has full constitutional capacity to conduct its own external affairs and to enter into treaties, and has on occasions done so, especially at the regional level. At the same time, in recognition of Niue's limited resources, and as contemplated by the special relationship, New Zealand seeks to assist Niue in these areas. New Zealand has encouraged acceptance of Niue's participation in its own right in relevant international meetings, organizations and treaties. Moreover, since November 1988, New Zealand treaty action does not extend to Niue unless it is expressly so extended with Niue's consent. This position is formally stated in a New Zealand Declaration lodged with the Secretary-General of the United Nations and dated 10 November 1988.

10. The Governments of Niue and New Zealand continue to develop patterns of consultation on matters affecting the relationship between them, such as external affairs, defence and economic and administrative assistance.

11. In accordance with the Constitution of Niue, the sources of Niue law are:

(a) Laws made by the Niue Assembly for the peace, order and good government of Niue (Article 28).

(b) New Zealand statutes and regulations since 1974 which have been applied to Niue at the request of and with the consent of the Niue Assembly or the Cabinet of Ministers of Niue (Article 36).

(c) All other laws in force in Niue before 1974 (Article 71). This category includes ordinances made by the Niue Assembly prior to 1974, and the Niue Act 1966 passed by the New Zealand Parliament. The Niue Act 1966 itself specifies as sources of law the following:

(i) The laws of England existing in 1840 (being the year in which the Colony of New Zealand was established) which are not inconsistent with the Niue Act 1966 and which are applicable to the circumstances of Niue except that no pre-1840 English statute is in force in Niue unless it was in force in New Zealand in 1967 (being the year in which the Act came into force) (Section 672).

(ii) The common law and the rules of equity which have been built up over the centuries by the courts in England and later by courts in other common law jurisdictions including New Zealand (Section 674).

(iii) Other New Zealand statutes and regulations up until 1974 which were stated expressly to apply to Niue (Section 675).

(iv) By-laws of the Village Councils (local government bodies) (Section 51).

12. The High Court of Niue has all civil and criminal jurisdiction necessary for the administration of the law in force in Niue. One change brought about by the recent Constitution Amendment (No. 1) Act 1992 is the replacement of a previous right of appeal to the Court of Appeal of New Zealand by a right of appeal to the newly created Niue Court of Appeal.

13. The customary law of Niue is specifically preserved in Part III of the Niue Amendment Act (No. 2) 1968 which deals with Niuean land. It provides that every title to an estate or interest in Niuean land shall be determined according to Niuean custom and any Act of the Niue Assembly or other enactment affecting Niuean custom. Section 490 of the Niue Act 1966 also provides that the persons entitled on the death of a Niuean to succeed to his estate and the shares in which they are so entitled, shall be determined in accordance with Niuean custom, so far as such custom extends. Custom is further recognized and given statutory authority in the Fish Protection Act 1965. Custom may also be preserved in other ways such as incorporation in Village Council bye-laws.

14. Although the Covenant on Economic Social and Cultural Rights, as with other treaties, is not directly enforceable in the Courts of Niue, the common law presumption against statutory interpretations which produce a result contrary to international obligations requires Niue Courts to have regard to the Covenant.

15. It is noted that, unlike many other Pacific Island constitutions, the Constitution of Niue does not provide any entrenched fundamental rights. The original document, enacted by the New Zealand Parliament in 1974, did not contain any and the recent report of the Constitution Review Committee of the Niue Assembly did not recommend any change in that regard. The Committee reported that:

> "... many fundamental rights and freedoms are protected by the existing rule of law. Some Pacific countries which do have fundamental rights and freedoms are still coming to grips with the practical effect of those provisions, and the Committee considers that Niue would be well advised to adopt a 'wait and see' stance so as to learn from the experience of others in this field" (Report to the Niue Assembly of the Constitution Review Committee, September 1991, Alofi, 1991)

The Committee recommended that the question be addressed again in a future review.

Part II

Articles 2, 3, 4 and 5

16. The only legislative protection against discrimination in Niue is the Race Relations Ordinance 1972 (Niue), which is designed to implement the International Convention on the Elimination of All Forms of Racial Discrimination. The Ordinance renders it unlawful to discriminate by reason of colour, race, or ethnic or national origins in matters of access to public places, supply of goods or services, employment, or housing. The Ordinance provides remedies by way of civil proceedings and damages. Criminal proceedings are also provided for in certain cases. Although no legislative protection exists in respect of discrimination on the other grounds listed in Article 2 (2), it is believed that the common law principle discussed in paragraph 1.10 (Supra) would enable Niue Courts to have regard to international human rights norms in interpreting and applying law in Niue.

Part III

Article 6 : The Right to Work

17. Under the "Future Directions" section of the Niue Concerted Action Plan, the objective relating to employment is "to ensure that paid employment is available to all Niue residents willing to work, and to give value for their wages". Also of relevance to the enjoyment of this right by the people of Niue are the provisions of Section 69 of the Constitution of Niue, which refer to the factors to be taken into account in the

management of the Public Service. These include the need to provide adequate advancement for Niueans with special skills and the need to afford reasonable opportunities of employment for the people of Niue. The Public Service is by far the largest employer in Niue. In 1987 it employed a total of 627 permanent and wage-work staff. By 1991 that figure had fallen to 547. In March 1992 it stood at 412, with 138 employees having been made redundant in accordance with budget constraints and the need to reduce the size of the public service. It has not been possible to absorb all these workers in the limited private sector and this has undoubtedly set back Niue's progress towards the goals of Article 6.

18. The Public Service is controlled by the Niue Public Service Commission, a body whose independence is assured by entrenched provisions in the Constitution. Furthermore, the non-discriminatory appointment process is set out in the Niue Public Service Regulations 1979, which require the Commission to give preference in appointments to "the person who ... has the most merit". Merit is required to be determined on the basis of work experience, personal qualities, and relevant educational and other qualifications (Reg. 16 (7) and (8)). A relevant consequence of the coming into force of the Constitution Amendment (No. 1) Act 1992 has been that, henceforth, the members of the Niue Public Service Commission will be appointed by the Niue Cabinet instead of, as hitherto, by reason of membership of the analagous New Zealand body.

19. With reference to freedom from compulsion in the choice of employment, the following Conventions extend to Niue by virtue of New Zealand accession in accordance with the principles discussed in paragraph 1.5: the Slavery Convention 1926, the 1953 Protocol amending the Convention and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery 1956, ILO Convention No. 29 concerning Forced or Compulsory Labour 1930 and ILO Convention No. 105 concerning the Abolition of Forced Labour 1957. It has not been considered necessary to have specific provisions in the law of Niue prohibiting all forms of slavery or forced or compulsory labour as there is no such activity being carried out in Niue. The common law in force in Niue assures the liberty of the subject and this includes freedom from molestation or constraint except when applied in the due process of law. Any person exacting or seeking to exact forced or compulsory labour from any person would be guilty of assault or other offence against that person and would be liable to the substantial penalties which Part V of the Niue Act 1966 provides. The Planting of Land Ordinance 1963 requires that every male person of an age between 18 and 60 shall "plant from time to time such quantities of fruit and vegetables as may be necessary for the sustenance of himself and his family" (Section 2 (a)). It is not considered that this requirement, which has not been enforced for many years, offends the spirit of the proscriptions against forced labour. There is no provision for a sentence of imprisonment with hard labour. Section 28 of the Niue Act 1966 does, however, provide that any person sentenced to imprisonment may be discharged from custody on condition that he labours on public works for the term for which he has been sentenced. There is no provision for compulsory military service, as Niue has no armed forces.

Articles 7 and 8: Working Conditions and Trade Union Rights

20. Employees in Niue have the right to form and join trade unions. This right is provided for in the Cook Islands Industrial Unions Regulations 1947, the Incorporated Societies Act 1908 (NZ) (which enables registration of any society consisting of 15 or more persons associated for a lawful purpose), and the Industrial and Provident Societies Act 1908 (NZ). The Government is the principal employer in Niue. The Niue Public Service Regulations 1979 recognizes the Niue Public Service Association (Incorporated) as the competent service organization. Regulation 7 empowers the Niue Public Service Association (Incorporated) to make representations at any time to the Niue Public Service Commission on any matter affecting conditions of employment.

21. There is at present no legislation regulating the minimum terms and conditions of employment in Niue. However, the Labour Relations Bill 1991 is currently under consideration by Government. It would, if enacted, set out procedures for the settlement of disputes between employers and employees. It would also set out holiday entitlements and make provision for minimum wages and overtime, and the health, welfare, and safety of employees. The Bill also provides safeguards concerning the employment of young persons (defined as persons under the age of 15).

22. The Cook Islands Industrial Unions Regulations 1947 provide for registration of "industrial unions" and for a system of conciliation and, if necessary, arbitration, of industrial disputes. The Cook Islands Trade Disputes Intimidation Regulations 1948 makes it an offence to use violence or intimidation in pursuit of industrial disputes. Industrial action within that boundary is lawful.

Article 9: Right to Social Security

23. Under Article 61 of the Niue Constitution, the Cabinet is responsible for provision of health, education and other social services. This includes such measures as it considers necessary "to provide a reasonable standard of living for the people of Niue and to secure their economic, social and cultural welfare". The objective, set out in the "Future Directions" section of the Niue Concerted Action Plan, is to develop an equitable society in which income distribution is adjusted to ensure that the basic needs of all people are met.

24. Medical care is free of charge for all Niueans and other New Zealand citizens. The possibility of charging for health services is presently being considered but it is recognized that this could have negative effects on the level of health in the community. Charges at cost price are made for spectacles, some dental supplies and contraceptives, and for medical examinations for residents departing overseas. A fee for services is charged visitors who are not New Zealand citizens. As New Zealand citizens, Niueans are also able to take advantage of specialist medical facilities at New Zealand public hospitals if required. Further details are provided under Article 12.

25. Under the Pensions and Benefits Act 1991 (Niue), every person of 60 years of age or more who has been resident in Niue for 10 years is entitled to a pension. The level if currently set by the Pensions and Benefits Regulations 1990 (Niue) at NZ$ 1,560 per annum. The Pensions and Benefits Act 1991 also establishes a 'Welfare Committee' to consider applications for assistance in cases of particular hardship.

26. Niueans who have resided in New Zealand for a minimum of 10 years since age 20, including at least five of the preceding 10 years, are entitled to the Guaranteed Retirement Income (GRI) on reaching age 60 while still living in New Zealand. As a result of the provisions of New Zealand's Social Welfare (Transitional Provisions) Act 1990, any Niuean person entitled to the GRI is now able to continue to receive 50 per cent of their pension while living in Niue, provided they were resident in New Zealand on 1 April 1990. Previously those wishing to retire to Niue were forced to forfeit their New Zealand pensions. Pension portability is seen as providing an important incentive for Niueans to return home on retirement.

27. An important aspect of social security in Niue relates to land and its retention. Reference has been made in paragraph 1.9 to the central place of Niue custom in land matters. The Land Ordinance 1969 ensures that Niuean land may not, generally, be alienated (Section 178). Nor may it be taken for debt (Section 18). Leases are restricted to 60 years. The Land Division of the High Court may appoint a Leveki Mangafaoa (a guardian for an extended family) to control the use of the family land. That person may be removed from that role if the Court finds that the powers have been exercised otherwise than in accordance with equity and good conscience.

Article 10: Protection of the Family, Mothers and Children

28. The family is recognized in Niue as the natural and fundamental group unit of society. The status of marriage itself is protected by Section 169 of the Niue Act 1966, which creates the offence of bigamy. The right to marry derives from the common law and the procedure is now governed by Part XXI of the Niue Act 1966 and the Niue Marriage Regulations 1970. The parties to the marriage must not already be married; they must be of the opposite sex and not related within the prohibited degrees of consanguinity or affinity as set out in the Second Schedule of the Marriage Act 1955 (NZ). Section 525 of the Niue Act 1966 provides that a marriage officer shall not solemnize or record any marriage unless the husband is at least 18 years of age and the wife is at least 15 years of age. The consent of one of the parents of the man or woman, if either of those parents is alive and resident in Niue, is required for the marriage of any man under the age of 21 years or of any woman under the age of 19 years but a Judge of the High Court may grant an exemption from this requirement (Section 526).

29. The procedures required under Part XXI of the Niue Act 1966 and the Niue Marriage Regulations 1970 ensure that no marriage is entered into without the full and free consent of the parties. Every intended marriage is publicized and must take place before a marriage officer who has been

appointed by the Cabinet. A record of the marriage is signed by the parties, and by two witnesses and by the marriage officer, all being present at the same time. Furthermore, Section 531 of the Niue Act 1966 gives to the High Court of Niue the same jurisdiction as the High Court of New Zealand in proceedings for nullity of marriage or of dissolution of a voidable marriage. Section 31 of the Family Proceedings Act 1980 (NZ), which provides that a marriage is void ab initio where by reason of duress, mistake or insanity or for any other reason there was at the time of the marriage an absence of consent by either party to marriage to the other party, is therefore also applicable to Niue.

30. Regulation 50 of the Niue Public Service Regulations 1979 provides that female employees may be granted maternity leave for such periods and subject to such conditions as are prescribed by the Niue Public Service Commission.

31. The Niue Act 1966 provides that certain acts and types of behaviour whose main victims are children constitute crimes for which special penalties are provided. These include: killing of a child (Section 132); duty of a parent or guardian to provide the necessities of life (Section 143); cruelty to a child (Section 157A); abduction of girls under 15 and abduction of children (Sections 159 and 160); sexual intercourse or indecency with a girl under 12, and with a girl between 12 and 15 (Sections 163 and 164).

32. In addition to the protection afforded to children by the above criminal legislation, there are many other legislative measures designed to protect children. Section 708 of the Niue Act 1966 is designed to remove the legal disabilities of children born out of wedlock. It provides that every person shall for all purposes of the law of Niue be deemed to be the legitimate child of each of his parents, and all other relationships in respect of that person shall be deemed to be traced through lawful wedlock accordingly. Section 692 of the Niue Act 1966 provides that Parts I and II of the Infants Act 1908 (NZ), relating to the guardianship, custody, contracts and wills of infants, shall be in force in Niue. Sections 553 to 555 of the Niue Act 1966 also provide that the High Court of Niue may make a maintenance order in favour of a child against either a father or mother who has failed or intends to fail to make provision for the adequate maintenance of the child. Maintenance is rarely sought as the child is usually taken in by his or her extended family.

Article 11: Right to an Adequate Standard of Living

33. Niueans enjoy a relatively high standard of living compared to many of their South Pacific neighbours. As one indicator, the life expectancy of Niueans at birth is 70.3 years (1978-1982). To support this standard of living there is a well developed basic infrastructure of roads, telecommunications, reticulated water and electricity supply, schools, health services and a large public service. Niue's natural resource base also provides a limited platform for development, especially in the agriculture, forestry and service (principally tourism) sectors. Moreover, under Article 7 of the Niue Constitution Act 1974 (NZ), New Zealand has undertaken "to provide necessary economic and administrative assistance to Niue".

34. In a joint attempt to develop Niue's economic base, the Niue and New Zealand Governments agreed to establish the Niue Concerted Action Plan (NCAP), which contemplated that New Zealand would provide up to NZ$ 33 million in economic assistance over a three year period. The paramount objective of the NCAP was the maintenance of a "living community" in Niue. However, the downturn in the New Zealand economy resulted in an actual allocation of NZ$ 27.35 million over the period from April 1988 to June 1991.

35. Niue is moving from its traditional subsistence economy towards a more modern, cash-based economy. The special relationship with New Zealand has created a demonstration effect in which Niueans are strongly influenced by New Zealand values and standards, and so aspire to, and indeed expect, a standard of living that the natural resources of the island alone could not sustain. There are significant constraints on Niue's ability to grow and develop to the point where this gap could be bridged. The most important of these is the loss of Niue's most valuable resource, its people. In 1970, 5,111 people lived in Niue, but by 1990 there were only 2,434 on the island. The level of net migration loss has varied between years and has been influenced by such factors as the availability of transport, and the occurrence of natural disasters (particularly cyclones and droughts). Checking the population loss is important to the maintenance of Niue as a living community. Other difficulties faced by Niue are the adverse climatic conditions, with the most recent cyclone (Ofa) only one of a number to have hit Niue over the reporting period that have caused widespread damage to buildings, crops and other facilities.

Adequate Food

36. Niueans have traditionally been subsistence farmers and have worked their bush gardens in order to acquire adequate food to sustain the population. This has been supplemented by fish and other seafood gathered from the ocean and surrounding reef. Traditional foodstuffs, such as taro, yams, breadfruit, kumara, coconuts, fish and land crabs, are now joined by imported goods. Agriculture makes a contribution to Niue's export earnings, with limes, taro, coconuts, yams and honey the principal items. Pigs and poultry are also bred for domestic consumption. Agricultural production is, however, hindered by the limited amount of fertile land and lack of surface water, and the adverse climatic conditions.

37. A market for fresh produce is centred in Alofi. All frozen foods, and other goods such as flour, rice, tea, coffee, sugar and milk, have to be imported. Stock levels are dependent on the regular shipping service. An agricultural processing building is used as a storage facility for frozen goods by local traders.

38. The porous nature of the land on Niue means that there are no streams or surface water. Beneath the surface, however, a good supply of fresh water is available, and this can be pumped up through the number of water bores located about the island. Niue is subject to droughts from time to time, and mobile water tankers are occasionally used to relieve the water shortages. The piped water does not have to be treated or filtered. Water demand has increased significantly in recent years, despite the decline in population levels over this time.

Article 12: Physical and Mental Health

39. Niue has a high standard of health. A study published by the South Pacific Commission in 1985 reported that:

> "Life expectancy at birth for Niuean females appears to be greater than that for Niuean males. The life expectancy at birth for females estimated from the 1976 census was 64 years. For the years 1978-1982, the life expectancy at birth for both sexes estimated from vital registration data was 70 years."
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> (Niue Women's Health Survey 1983, R.J. Taylor and others, South Pacific Commission, Noumea, 1985)

40. Relevant legislation includes the Niue Public Health Ordinance 1965 which provides for a wide range of health matters including quarantine, notifiable diseases, sanitation, mosquito control, and water supply. The Mosquito Control Act 1980 (Niue) requires occupiers of land to keep land clear of breeding places. The Food Control Act 1981 (Niue) imposes controls and prohibitions on the sale of unhealthy foods.

41. All medical and dental services are provided free of charge to patients. Lord Liverpool Hospital is the only hospital and has 30 beds. In 1986 there were 48 births, 50 in 1987, 55 in 1988, 49 in 1989 and 52 in 1990. There were no deaths for infants under a year old in 1987 and 1988 and one death for each of the years 1986, 1989 and 1990. Maternal and child health service is available to all families and every child born in Niue is subject to compulsory vaccination against diptheria, whooping cough, tetanus, poliomyelitis, measles and rubella. The provision of the comprehensive health service absorbs about 7 per cent of the annual budget of Niue.

42. The mission statement of the Department of Health is "to attain and maintain a health community and in doing so to contribute towards a viable community in Niue, by prevention, immunization, education, and by providing curative medical and dental services". Concerns reported by the health authorities include the prevalence of obesity, an increase in numbers of single mothers, and a rise in motorcycle accidents particularly involving young men.

Article 13: Education

43. The Education Act 1989 (Niue) states:

> "In pursuance of the responsibilities of Cabinet to establish and maintain schools for the education of the people of Niue in accordance with Article 61 (2) of the Niue Constitution, Cabinet shall, through the Minister of Education, have the control and direction of the Department and of the officers thereof ..."

Section 24 of the Act makes compulsory the attendance at school of children between the ages of 5 and 14. Section 47 provides that medical and dental inspection and treatment shall be free.

44. There is only one high school in Niue and the 1991 roll was 305 (159 boys and 146 girls). In 1989 the seven primary schools were amalgamated into one school situated in the capital, Alofi. The 1992 roll is 364 (168 boys and 196 girls). In general, the curriculum aims at preparing Niue students for the New Zealand School Certificate examinations and the Form 6 Certificate. However, the Department of Education is taking steps to raise the status of the Niuean language in the curriculum. In particular, "Niue and Pacific Studies" was approved by the New Zealand education authorities as a qualifying subject for the New Zealand Form 6 Certificate for 1991.

45. Niue has no tertiary education institutions, although the University of the South Pacific has provided an Extension Centre since 1976. However, in 1991 there were 66 Niueans studying in tertiary institutions in New Zealand, Australia, Fiji, and Western Samoa on government-sponsored scholarships. Of this total, 28 were women and 38 men.

Article 14: Compulsory and Free Education

46. As indicated in the preceding paragraphs, compulsory and free education is provided, by law, to all Niuean children between the ages of 5 and 14.

Article 15: Cultural Life

47. The Government of Niue recognizes a special obligation to ensure the survival and development of Niue's indigenous language and culture. The Broadcasting Act 1989 (Niue), which controls the limited radio and television services in Niue, requires the media:

> "to provide a means of ensuring that television and radio programmes are compatible with the identity and culture of Niue"
>
> (Section 4 (b))

48. The Niue Cultural Council Act 1986 (Niue) establishes a Council "to promote all aspects of works connected with the natural history and material culture of Niue". In particular, a project for the compilation of a dictionary of the Niuean language is well advanced, and the increased emphasis on Niue language and culture in the education curriculum has been noted above.